

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **David Andre Weaver**

Case Number: **2:20CR00182**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **March 17, 2021**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **30 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **April 22, 2022**

PETITIONING THE COURT

☐ To issue a warrant.

☒ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Commit Another Crime** - You must not commit another federal, state or local crime.

On November 5, 2022, Weaver committed the offenses of Driving Under the Influence (1st) in violation of NRS 484C.110; Basic Speed (1-10 m.p.h. Over Posted Speed Limit in violation of NRS 484B.600; and Drive Without Valid Driver's License in violation of NRS 483.550. He was ultimately arrested by the Las Vegas Metropolitan Police Department and booked into the Clark County Detention Center.

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2. **Report Police Contact Within 72 Hours** - If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

After his arrest on November 5, 2022, Weaver failed to notify his probation officer of his contact with law enforcement.

3. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
- a) On October 12, 2022, Weaver submitted a drug test that was positive for methamphetamine, amphetamine, cocaine and benzodiazepine. These results were confirmed positive by the national laboratory. He contacted the undersigned officer admitting to drinking "Hennessey" and ingesting a "molly."
- b) On June 22, 2022, Weaver submitted a drug test that was positive for cocaine. The drug test was confirmed positive for cocaine by the national lab. When questioned, he admitted to using the drug while hanging out with females. He stated this would not happen again. Since the test came back as a diluted sample, he was instructed to report for a drug test on June 23, 2022, which was also positive for cocaine. This test was confirmed positive by the national lab.
- c) Weaver failed to appear for a scheduled drug testing on September 3, 2022, and October 22, 2022.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **November 17, 2022**



Digitally signed by
Kamuela Kapanui
Date: 2022.11.18
08:24:11 -08'00'

Kamuela K Kapanui
United States Probation Officer

RE: David Andre Weaver

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Approved:

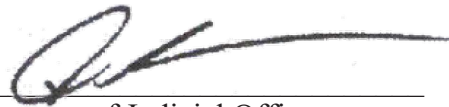


Digitally signed by Joy Gabonia
Date: 2022.11.18 06:51:58
-08'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

November 18, 2022

Date

RE: David Andre Weaver

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. DAVID ANDRE WEAVER, 2:20CR00182

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
November 17, 2022

By way of case history, Weaver was sentenced to 30 months imprisonment with 36 months of supervised release to follow for committing the offense of Felon in Possession of a Firearm. He commenced supervision on April 22, 2022, in the District of Nevada.

In a report to the Court dated September 16, 2022, our office outlined violations of supervision including substance abuse as well as a missed drug test. Our office recommended no adverse action be taken by the Court and allow him to continue in his Moral Reconciliation Therapy (MRT). It was our hope that the classes would assist Weaver in making better decisions moving forward on supervision. However, it appears he has continued to accumulate additional violations of supervision including a new law violation. As listed in the allegations above, Weaver has used alcohol as well as drugs, and was arrested for DUI.

As listed in the arrest report, LVMPD Officer Seekatz #18497 viewed Weaver incorrectly using his signals on multiple occasions and was speeding. After the emergency lights were activated, Weaver took half of a mile to pull over and did so very slowly. When approached by the officer, there was a strong odor of alcohol coming from Weaver's person as well as his breath. He needed to be told multiple times to put the vehicle in park and roll down the windows. As he exited the vehicle, he was very stiff and unsteady. The officer needed to physically move him to the patrol vehicle. Weaver performed the field sobriety tests poorly and submitted two breathalyzer alcohol test which yielded results of 0.185% BAC and 0.188% BAC, which is more than double the legal limit.

Furthermore, Weaver has never disclosed a vehicle to probation. At this time, it appears as the previous actions taken to address his previous violations have not deterred Mr. Weaver from continued noncompliance with his conditions of supervision. Given his continued violations, it is respectfully requested a summons be issued to initiate revocation proceedings.

Respectfully submitted,



Digitally signed by Kamuela
 Kapanui
 Date: 2022.11.18 08:27:24 -08'00'

Kamuela K Kapanui
 United States Probation Officer

Approved:



Digitally signed by Joy Gabonia
 Date: 2022.11.18 06:52:22
 -08'00'

Joy Gabonia
 Supervisory United States Probation Officer